



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 512

IN THE MATTER OF OF JOHN RUFFO

DISPOSITION AGREEMENT

The State Ethics Commission ("Commission") and John Ruffo ("Ruffo") enter into this Disposition Agreement ("Agreement") pursuant to §5 of the Commission's Enforcement Procedures. This Agreement constitutes a consented to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, §4(j).

On July 12, 1994, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Ruffo. The Commission has concluded its inquiry and, on December 14, 1994, found reasonable cause to believe that Ruffo violated G.L. c. 268A.

The Commission and Ruffo now agree to the following findings of fact and conclusions of law:

1. At all relevant times, Ruffo was employed as a senior plumbing inspector for the City of Worcester.^{1/} As such, Ruffo was a municipal employee as that term is defined in G.L. c. 268A, §1(g).
2. Ruffo's official duties as a Worcester plumbing inspector included the issuing of plumbing and gas permits for construction being done in the city and ensuring all work performed pursuant to such permits complied with local building codes.
3. Ruffo's son, Mark Ruffo, is a local plumbing contractor doing business through K&N Plumbing & Supply.
4. Ruffo, in his capacity as a Worcester plumbing inspector, issued the following plumbing permits and inspected the work done in connection with nine of those permits.^{2/}

<u>Address</u>	<u>Permit No.</u>	<u>Date of Permit</u>
119 Lovell Street	0171	1/17/90
30 Dolly Drive	0172	1/17/90
325 Pleasant Street	0170	1/17/90
64 Sandra Drive	0166	1/17/90
31 Dolly Drive	0548	3/21/90
33 Dolly Drive	0818	5/3/90
12 Edlin Street	0819	5/3/90
18 Dolly Drive	0900	5/21/90
28 Dolly Drive	1415	8/14/90
17 Dolly Drive	1609	9/14/90
27 Dolly Drive	1954	11/3/90
29 Dolly Drive	1955	11/13/90
64 Gold Star Blvd.	2099	12/7/90
25 Dolly Drive	0062	1/8/91
21 Dolly Drive	0179	1/31/91
23 Dolly Drive	0309	2/25/91

5. Each of the above permits involved work done by Ruffo's son through K&N Plumbing & Supply.

6. Section 19 of G.L. c. 268A, except as permitted by paragraph (b),^{3/} prohibits a municipal employee from participating as such an employee in a particular matter in which to his knowledge he or his immediate family has a financial interest.

7. The decisions to issue the plumbing permits described in paragraph three above and the determinations as to code compliance (which occurred when the work was inspected) were particular matters.^{4/}

8. As set forth in paragraph 3 above, Ruffo participated^{5/} as a plumbing inspector in those particular matters by issuing the permits and inspecting the work.

9. Ruffo's son had a financial interest in each of the foregoing particular matters.

10. By issuing the plumbing permits to his son and by inspecting his son's work, as set forth in paragraph 3, Ruffo participated in his official capacity in particular matters in which he knew an immediate family member had a financial interest, thereby violating G.L. c. 268A, §19.

In view of the foregoing violations of G.L. c. 268A by Ruffo, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Ruffo:

(1) that Ruffo pay to the Commission the sum of two thousand five hundred dollars (\$2,500) as a civil penalty for violating G.L. c. 268A, §19 as stated above; and

(2) that Ruffo waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: January 4, 1995

^{1/} Ruffo was so employed from January 1, 1987, to May 13, 1992, when he retired.

^{2/} Numbers 0166, 0179, 0309, 0548, 0818, 1415, 1954, 1955, 2099.

^{3/} None of the exemptions applies here.

^{4/} "Particular matter," any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property. G.L. c. 268A, §1(k).

^{5/} "Participate," participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise. G.L. c. 268A, §1(j).